



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Bruce A. Lessey

Serial No.: 10/762,441

Confirmation No.: 5177

Filed : January 21, 2004

Title : **DETERMINATION OF ENDOMETRIAL RECEPTIVITY TOWARD  
EMBRYO IMPLANTATION**

Art Unit : 1644

Examiner : Michael Edward Szperka

Customer No.: 20985

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Dear Sir:

The owner, THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, of 100% percent interest in the above-captioned application, hereby disclaims the terminal part of any patent granted on the above-captioned U.S. application Serial No. 10/762,441 that would extend beyond the expiration date of the full statutory term in 35 U.S.C. §§ 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,733,979. The owner hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that it and U.S. Patent No. 6,733,979 are commonly owned. This Agreement runs with any patent granted on the above-captioned application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,733,979, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true;

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Attorney's Docket No.: 17181-002005 / 2101G  
**Terminal Disclaimer**

and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned states that I am an attorney of record in this case for Petitioner, and am authorized to sign on behalf of the Petitioner. I hereby declare that to the best of my knowledge and belief, title is in the owner, assignee THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, identified above.

A check for the \$65 fee for filing of this Terminal Disclaimer, as required by 37 C.F.R. § 1.20(d), is included. Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 06-1050.

Dated: March 24, 2005

By:

  
Stephanie Seidman  
Attorney of Record  
Reg. No. 33,779

Attorney Docket No. 17181-002005 (2101G)

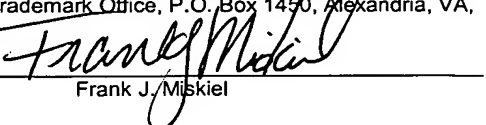
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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

  
Frank J. Miskiel